over to different private players for its operation, where foreign interest is also there. Will the Minister, in consideration of the grievous impact including security concern of ports being operated in that fashion, reconsider its position on the corporatisation of the ports?

SHRI T.R. BAALU: Sir, as far as the Ennore Port is concerned—it is a first Corporate port;—we had established the port in 1999 and it was inaugurated in 2001. For the past five years, we are watching the performance. The entire performance will be looked into by the Expert Committee. We are evaluating the situation. At the same time, Sir, the Standing Committee has given lot of recommendations. If you want, I can sent it to the hon. Member. The second recommendation is: Though the Committee accepts the given view that the amendment is required to bring in more autonomy and flexibility in the operation of Major Port Trust, it expressed a view that these objects could have been achieved by introducing some changes in the present Major Port Trusts Act, 1963, and, there was no need for corporatisation of the port, which is proposed to be achieved by the amendment. That is not the only recommendation but, at the same time, they have given recommendations on many issues like labour, port security and everything. But, holistically, we have to see what sort of recommendations the Expert Committee now envisages and we will go by the Expert Committee's advise. ...*(Interruptions)*...

SHRI A. VIJAYARAGHAVAN: Advice of the Standing Committee or Expert Committee ...*(Interruptions)*...

SHRI T.R. BAALU: That Standing Committee exists no more; it was a Standing Committee of the past. The views of the Standing Committee of the present Parliament will have to be taken into account.

SHRI GIREESH KUMAR SANGHI: Sir, recently, there was a news item about free ports in our country and that the Government is planning to make some ports, free ports on the lines of Singapore. If it is so, which are the ports and in which States the Government is planning to do so.

SHRI T.R. BAALU: Sir, as of now, there is no proposal as such.

Role of Gram Sabhas

*67. KUMARI NIRMALA DESHPANDE: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) the role of the Gram Sabhas in implementing various schemes for helping the poor;

(b) whether it is a fact that Gram Sabhas are being neglected and not encouraged to function; and

(c) if so, the remedial measures planned to make the Gram Sabhas effective?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) to (c) Statement is laid on the Table of the House.

Statement

(a) to (c) Article 243-A of the Constitution provides for the establishment of Gram Sabhas to "exercise such powers and perform such functions at the village level as the Legislature of a State may, by law provide". During the first Round Table of State Ministers of Panchayti Raj held in Kolkata in July 2004, it was decided that State Governments may review the extant legislation to determine the legislative and other steps needed to be taken to ensure that the powers and functions mentioned in Article 243 A are adequately incorporated in the State legislation. These include constitution of Sabhas below the Gram level such as Gram Sansad of Ward Sabha, Periodicity of meetings of Gram Sabhas and Ward Sabhas and empowering the Gram Sabha with measures such as right to all information required to make the Panchayats truly answerable to the Gram Sabha, approval of plans prepared by the Gram Panchayat, issue of utilization certificates of funds allocated for the plans, programmes of the Panchayat and identification of beneficiaries.

The Ministry is aware that the Gram Sabhas do not function as effectively as they ought to function. The Ministry is taking several steps to remedy the situation and to establish the Gram Sabha as the bedrock of true decentralization. Some of these steps are listed below:

- An Expert Group constituted by the Ministry of Panchayati Raj on planning at the grass roots level has submitted its report in March 2006 which has been accepted by the Ministry. Some of the recommendations of the Group relate to participative planning at the Gram Panchayat level and it has been suggested in this context that certain steps should be carried out on a campaign mode to ensure good participation in Gram Sabhas and Ward Sabhas. These include advance notice of meetings, mobilization of special interest

groups such as self-help groups for attending the Ward and Gram Sabhas, compaigns through National Survey Scheme and Nehru Yuvak Kendra Volunteers, nomination of facilitators for each Ward Sabha and having a proper structure for the Gram and Ward Sabha with scope to break up into smaller groups for discussion.

- While reviewing the Centrally Sponsored Schemes of various Ministries, the Ministry of Panchayati Raj, is insisting that the Gram Sabha should have a major role to play in selection of beneficiaries and works, monitoring of programmes and approving the utilization certificates etc.

- With a view to interacting with Panchayats and carryingout a review with the authorities concerned of the progress in implementing the points for action mutually agreed upon in the round Tables, a process of visiting the States and UTs at the level of Union Minister of Panchayati Raj has also been initiated. The Minister has so far visited fourteen States and two UTs, namely, Karnataka, West Bengal, Uttaranchal, Haryana, Chhattisgarh, Orissa, Arunachal Pradesh, Rajasthan, Sikkim, Goa, Andhra Pradesh, Punjab, Himachal Pradesh, Kerala, Chandigarh and Lakshadweep. Each visit is concluded with a Statement of Conclusions jointly signed with the Chief Minister of the State concerned, highlighting the key points of action on which the State would move to operationalise the recommendations of the round Tables. In the case of Kerala, the Statement has been initialed by the Union Minister of Panchayati Raj and the Minister for Local Self Government, Kerala. It is expected that the Chief Minister will sign the approved version of the Joint Statement on his next visit to Delhi, as was the case with Chief Minister of Sikkim. The role of Gram Sabha is being emphasized in all the Joint Statements.

- In 2006-07, the Ministry of Panchayati Raj is implementing the Panchayat Empowerment and Incentive Scheme. Under the scheme, grants will be released to State Governments only when they agree to give a commitment to undertake reforms through a Joint Statement or Agreement with Ministry of Panchayati Raj. One of the reform areas taken into consideration in the scheme is assigning powers to

the Gram Sabhas to approve plans, select beneficiaries, authorize utilization certificates, be consulted for land alienation etc., and to ensure that the meetings are conducted with due procedure.

- The Ministry would also be implementing the scheme of Rashtriya Gram Swaraj Yojana in the current year. One of the components of the schemes is providing of training to elected representatives and officials of Panchayati Raj Institutions. Through this scheme also efforts will be made to make the Gram Panchayats fully accountable to the Gram Sabhas.

- The legislative provisions relating to the Constitutions/quorum etc. of Gram Sabhas in different States are also being examined and the States are being continually advised to amend the provisions so as to make the Gram Sabhas hold the Panchayats accountable as well as to carry out social audit. In this connection, UNDP has funded a Study on Jurisprudence of Panchayati Raj Institutions which was implemented by two NGOs *viz.*, the Rural Litigation and Entitlement Kendra (RLEK), Dehradun and the Institute of Social Studies (ISS), New Delhi. The study covers all the States and *inter-alia*, had analyze the State Panchayati Raj Acts, status of decentralization and progressive judgements related to Panchayats. One of the focal points was the powers granted to the Gram Sabhas in the State acts. The study has been completed and the final reports are being examined by the Task Force on Jurisprudence. Comments of the States have also been invited before further action is initiated on the recommendations.

- Under the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) which extends Panchayati Raj to Fifth Schedule areas in nine States of Andhra Pradesh, Chhatisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa and Rajasthan, Gram Sabhas have been given special powers. These include the power to approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level; to be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes; to certify the utilization of funds by the

Panchayats and to safeguard and preserve the traditions and customs of the the people, their cultural identity, community resources and the customary mode of dispute resolution. The Ministry is taking several steps to implement the provisions of PESA in letter and spirit so that the institution of Gram Sabhas is strengthened.

KUMARI NIRMALA DESHPANDE: Sir, there are various schemes, projects for the betterment of the poor but the major problem is of proper implementation. The best guarantee would be the Gram Sabha, which is formed by all the adult members of the village community. So, if they are made active, and if they can take the decisions, monitor the projects, monitor all the schemes, then we will have proper implementation. But it is found that nobody is interested in mobilizing the people and making the Gram Sabha active. How can that be done?

SHRI MANI SHANKAR AIYAR: Sir, I entirely agree with the Hon. Member that the Gram Sabha is the fulcrum around which an effective Panchayati Raj system must revolve. And, to this end, I am glad to inform the hon. Member that a large number of States have, in fact, in recent times, taken steps to empower the Gram Sabhas, to authorise them to look into matters that would make meetings of the Gram Sabha relevant and meaningful, and that there is a continuing dialogue between the Union Government and the State Governments in this regard reflected in the conclusions on the issue of the Gram Sabha during the Seven Round Tables that were held in 2004 and which continue to figure in the tours that I have been undertaking of States and Union Territories. Thus far I have visited 15 States and 2 Union Territories. And, with each of them we have entered into a kind of Memorandum of Understanding or a joint statement on conclusions where issues relevant to the Gram Sabhas are raised wherever both the sides believe that something needs to be stressed. This is work in progress and we do need to make the Gram Sabhas more active. To this end, NGOs, such as the ones that the hon. Member has said runs, could play an in valuable role in mobilizing people to attend these meetings. I must say that once any State decides to also subsidiary sabhas at the ward level, the degree of attendance and participation have recorded a sensible increase.

KUMARI NIRMALA DESHPANDE: Sir, unless it becomes mandatory that the meetings of Gram Sabha should take place, the objective of

Panchayati Raj, which Gandhiji used to say is *gram -swaraj,* that will not be achieved. It always happens that some functionaries of the Government and some elected representatives together manage many things and that never reaches the poor beneficiaries. So, some stricter measures need to be taken.

SHRI MANI SHANKAR AIYAR: Sir, while agreeing that some stricter measures need to be taken, I may also point out that in the case of most, if not all State Governments there is a mandatory provision in the State law for Gram Sabhas to be convened at regular intervals. In some States it is twice a year; in some other States, it is four times a year. But, we cannot compel the members of the Gram Sabha to attend a meeting. The one exception that I know of is the Jumsas of Sikkim where the local body has itself taken the decision that any family whose representative does not attend a Gram Sabha meeting will be appropriately fined by that local body. But, this is a decision taken locally by the local authority. I would commend the example to Gram Sabhas all around the country. But what is required is that greater attention should be given through a legal provisions governing the Gram Sabhas and that we have agreed to.

श्रीमती विप्लव ठाकुर: माननीय सभापति जी, मैं मंत्री जी से जानना चाहती हूं कि क्या वे इस बात से अवगत हैं। कि ग्राम सभा के लिए जो कोरम रखा जाता है, पहले टू-थर्ड कोरम है, अगर वह पूरा नहीं होता, तो उसके जो भी डिसीजन्स होते हैं, वे इंप्लिमेंट नहीं होते। फिर 50 परसेंट कोरम है, उसके बाद चाहे वह वन-थर्ड हर जाए, जो फिर जितने भी डिसीजन्स होते हैं, उनको इंप्लिमेंट कर देते है। क्या वे इस बात के लिए सूचित करेंगे कि जो कोरम है, वह हमेशा ही टू-थर्ड रहे या फिफ्टी परसेंट रहें, क्योंकि जो सेक्रेटरीज और प्रधान हैं, वे मिलकर वहां अपनी मरजी से ही सारी बातें करते हैं और ग्राम सभा में जो फैसले होते हैं, उनको वे इंप्लिमेंट नहीं होने देते। क्या कोरम के लिए कोई ऐसा कानून बनाएंगे जिससे कि ग्राम सभा इफेक्टिव हो सके?

श्री मणि शंकर अय्यर: महोदय, जो सारे कानून बनाए जाते हैं पंचायती राज के सिलसिले में, वे राज्य में बनाए जाते हैं और विभिन्न प्रकार के कोरम कहीं भी किसी प्रकार के कोरम का जिक्र नहीं है। इसको बेहतर बनाने के लिए जो हर राज्य में हो रहा है, वह सूचना हम दूसरे राज्यों तक पहुंचा रहे हैं और उनके साथ बैठकर, बहस करके कोशिश कर रहे हैं कि कोरम हर जगह तय किया जाए और इसके साथ-साथ महिलाओं की जो भागीदारी है, कहीं-कहीं दलितों की जो भागीदारी है, उसके सिलसिले में भी कोरम बनाये जाएं, लेकिन यह एक राज्य का विषय होने के

कारण राज्य की विधान सभा ही तय कर सकती है कि कौन सी शर्तों को वे अपने कानून में लगाएं।

MR. CHAIRMAN: Question Hour is over.

WRITTEN ANSWERS TO STARRED QUESTIONS

Consultative Committees

†*63. SHRI RUDRA NARAYAN PANY: Will the Minister of PARLIAMENTARY AFFAIRS be pleased to state:

(a) whether it is compulsory to constitute 'Consultative Committees' for all Ministries;

(b) if so, the names of Ministries under the present Government functioning since May, 2004 where "Consultative Committees' have not been constituted so far and the reasons therefor; and

(c) by when these Committees are likely to be constituted?

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI PRIYARANJAN DASMUNSI): (a) No, Sir.

(b) and (c) The list of Ministries which do not have Consultative Committees is placed at Statement Enclosed (*see* below). As per the guidelines, Membership of a Consultative Committee is voluntary and a Member can be nominated to one Consultative Committee only. A minimum of ten member is required for the Constitution of a Consultative Committee. Preferences from required number of Hon'ble Members of Parliament have not been received as a result of which the Consultative Committee of these Ministries have not been constituted. Hence, it may not be possible to give any time-frame by which the Consultative Committees of these Ministries are likely to be constituted.

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†Original notice of the question was received in Hindi.